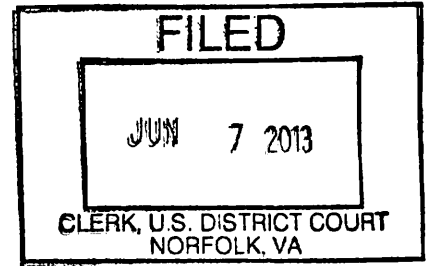


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



DONDRILL G. WHITE,

Plaintiff,

v.

ACTION NO. 2:12cv451

CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. §§ 405 (g) and 1383(c)(3) seeking judicial review of the decision of the Commissioner of the Social Security Administration ("Commissioner") denying plaintiff's claim for disability insurance benefits ("DIB") and supplemental security income ("SSI"), under the Social Security Act.

On March 20, 2013, this matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72(b) of the Federal Rules of Civil Procedure for report and recommendation. Report of the magistrate judge was filed on April 15, 2013, recommending that the Defendant's Motion to Dismiss be granted; that the plaintiff's Motion to Dismiss Commissioner Motion to Dismiss be denied; and the case be dismissed with prejudice. By copy of the report, each


party was advised of the right to file written objections to the findings and recommendations made by the magistrate judge. On April 30, 2013, the plaintiff filed a Motion for Attention, which the court construed as a Motion for Extension of Time to file objections to the Magistrate's Report and Recommendation, which was granted by Order dated May 21, 2013. The court received Plaintiff's Objections to the Report and Recommendation of the Magistrate Judge on May 29, 2013, and Defendant's Response to Plaintiff's Objections to Report and Recommendation was filed on May 31, 2013.

The court, having examined the objections to the Magistrate Judge's Report and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge filed April 15, 2013. Accordingly, the Defendant's Motion to Dismiss is **GRANTED**; Plaintiff's Motion to Dismiss Commissioner Motion to Dismiss is **DENIED**, and the case is hereby **DISMISSED WITH PREJUDICE**. Accordingly, the Clerk shall enter judgment for the Defendant.

The Clerk shall forward a copy of this Final Order to Plaintiff and to counsel for Defendant.

Norfolk, Virginia

June 7, 2013

/s/ 
Rebecca Beach Smith
Chief
United States District Judge